

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

TED LAWRENCE ROBERTSON,	§	
TDCJ-CID NO.1175868,	§	
Petitioner,	§	
VS.	§	CIVIL ACTION NO. H-06-1075
	§	
NATHANIEL QUARTERMAN,	§	
	§	
Respondent.	§	

ORDER

Pending is petitioner's motion for the Court to send petitioner a free copy of the entire record in this case and a free copy of the state court records filed by respondent. (Docket Entry No.50). Petitioner indicates that he needs such records to prepare a motion for a certificate of appealability. (*Id.*). Petitioner's motion is DENIED.

This Court is not a copy service for inmates, regardless of their indigent status. Copies of documents in the record are \$.10 per page for electronic images and \$.50 per page for other records. To obtain copies of certain documents, petitioner must inform the Clerk of the Court of the documents to be copied.. The Clerk will inform petitioner of the number of pages in each document. Payment is required before copies are sent, by check or money order payable to the "United States District Clerk.

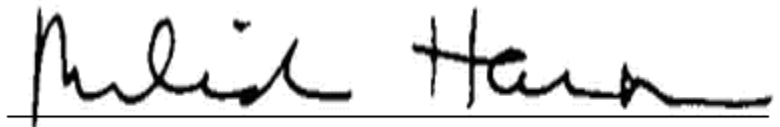
Moreover, an indigent federal habeas petitioner "is not entitled to a free copy of his [trial] transcript and record to search for possible trial defects merely because he is indigent." *Bonner v. Henderson* , 517 F.2d 135, 136 (5th Cir. 1975). The burden is on the petitioner to positively demonstrate a particularized need for the documents and that the request is not frivolous. *United States v. MacCollom* , 426 U.S. 317 (1976). In this case, the Court dismissed petitioner's habeas action for failing to exhaust state remedies. (Docket Entry No.35). Petitioner fails to show the need for his state court records to challenge the dismissal of his petition on this ground.

Petitioner further fails to show that his request for a copy of the state court records is not frivolous because he has not shown that he attempted to acquire but was unable to acquire a free copy of the same from state courts.

Accordingly, petitioner's "Motion for a Copy of the Record on Appeal and a Copy of the State Court Records" (Docket Entry No.50) is DENIED.

The Clerk will provide copies of this Order to the parties.

Signed at Houston, Texas this 29th day of June, 2007.

A handwritten signature in black ink, appearing to read "Melinda Harmon", is written over a horizontal line.

Melinda Harmon
United States District Judge